

Background information if you have been contacted by a manufacturer of an oil spill clean up product.

- Members of Congress, State, and local officials may be contacted by manufacturers and vendors who develop and market oil spill clean up products.
- These products range from simple absorbents that soak up the oil for collection and removal to complex chemical and biological agents intended to disperse or bioremediate the oil.
- There is an established process that manufacturers must follow to have an oil spill product listed and evaluated by EPA and Regional Response Teams (RRTs). An RRT consists of the federal On-Scene Coordinator (FOSC), state and local representatives to the RRT, and appropriate federal trustees. The RRT plans for and may respond to oil spills when the OSC wants to use an alternative countermeasure described below. Fifteen different federal agencies may also provide assistance.
- A product must be listed on the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) Subpart J Product Schedule (40 CFR 300.900) before it can be used for oil spill cleanup. RRTs convene to determine the appropriateness of using an oil spill cleanup technology at a particular oil spill site.



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Questions and Answers

on the

National Oil and

Hazardous Substances

Pollution Contingency Plan,

Subpart J,

Product Schedule

40 CFR 300.900

What is the Product Schedule?

Section 311(d)(2) of the Clean Water Act, as amended by section 4201(a) of the Oil Pollution Act of 1990, requires the President to prepare a “schedule of dispersants, other chemicals, and other spill mitigating devices and substances, if any, that may be authorized for use on oil discharges...” (40 CFR 300.905(a)).

The EPA prepares and maintains this schedule, known as the NCP Product Schedule. The Product Schedule contains five product categories:

Dispersants—used to break up oil on the water’s surface, causing it to disperse down into the water column where natural forces can degrade the oil droplets. (Marine/Coastal waters only)

Surface washing agents—used on solid surfaces only to lift and float oil to better absorb or vacuum it up.

Surface collecting agents—used to control the thickness layer of oil to aid mechanical recovery. Also known as “herding agents.”

Bioremediation agents—microbes, nutrients, enzymes, or a combination intended to encourage the degradation of the oil.

Miscellaneous oil spill control agents—any other spill mitigating agents, such as chemical or biological based sorbents and elastizers.

Where can one find the procedures for listing a product on the NCP Product Schedule?

The general requirements are found at 40 CFR 300.900, and the required toxicity and effectiveness protocols are found in Appendix C to Part 300 of the NCP (40 CFR 300.920). You can also call 202-260-2342 or visit the Oil Program website at: www.epa.gov/oilspill

What testing must be conducted for different types of products?

In order to be listed on the Product Schedule, a dispersant must obtain an effectiveness value of 50% + or - 5% for the Dispersant Effectiveness Test.

Most products must be tested using a standard toxicity test.

Bioremediation agent submissions must include the successful results of a 28 day Bioremediation Agent Effectiveness Test.

Who may submit data on a product for listing?

The owner and/or manufacturer of the product, or authorized representative.

How does EPA decide whether to list a product?

EPA’s Oil Program Center conducts a review of the raw data and required information to confirm that the data are complete and valid.

EPA will inform the submitter, in writing within 60 days, after receipt of complete technical product data, of its decision on adding the product to the Schedule. Additional information or a sample of the product may be required (300.920(a)(2)).

The data requirements are designed to provide sufficient information to FOSCs and RRTs to determine whether, and in what quantities, a product may be used to control a particular oil discharge.

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What does having a product listed on the Schedule mean?

Inclusion of a product on the NCP Product Schedule means only that the data submission requirements have been satisfied. The product may then be authorized for use on a particular oil spill by FOSCs and RRTs. To prevent possible misrepresentation or misinterpretation, all product labels, literature, or advertisements that refer to placement on the Schedule must either reproduce the entire EPA letter announcing the placement on the Schedule or include the disclaimer set forth in Section 300.920(e). This disclaimer stresses that EPA does not endorse the product.

Who manages the data?

EPA has a designated Product Schedule Manager who receives requests and data as described above. Referring companies to this EPA representative can save time and ensure that they are given the most accurate and useful information. If the product is listed, EPA will post the company’s product information on the Oil Program Center website and share the information with RRTs and OSCs in all regions. The RRTs and FOSCs can then use this information when determining the appropriateness of using a listed product.

The Product Schedule Manager is William Nichols. If you want to refer a vendor to him, or if you have further questions regarding the NCP Product Schedule, he can be reached at 703-603-9918 or by e-mail at nichols.nick@epa.gov.

Please note: Once a product is listed, the NCP does not mandate the use of that product by the RRT, state, industry, or any oil spill response organization.